IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2827 OF 2005

Idrish Sahebjan Shaikh
and ors. .. Petitioners

Vs.

1. The Intelligence Officer
Narcotic Control Bureau
and anr. .. Respondents

Mr. J.M. Khajotia with Mr. Rupali Shinde for Petitioners.

Mr. D.N. Salvi for Respondent No.1.

Ms. A.S. Pai, APP for Respondent No.2.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : February 28, 2006.

P.C.:

1. Heard the learned counsel for the respective parties.

2. This petition under Article 226 of the Constitution has been filed praying for direction to the Special Court under the NDPS Act to complete the trial within a period of six months and further directions to the respondents to keep the witnesses

present in the court every day at 10.30 a.m. so that they are examined without any further adjournments.

3. We have perused the copy of the roznama placed on record pertaining to the NDPS Spl. Case Nos.128/2001 and 8/2002. We are not persuaded to issue any directions to the Special Court to complete the trial within a fixed period of six months.

4. However, we have noted that the trial has already commenced and Witness No.1 is under examination. The case is being adjourned every time by one week or more and on quite a few occasions the adjournment has been granted at the request of the prosecution on the ground that the witness could not be made available as he was busy in operations.

5. Once the trial has commenced before the Special Court, the provisions of Section 309 of Cr.P.C. are required to be followed as has been reiterated by the Apex Court from time to time. We hope that the learned Special Judge under the NDPS Act would keep in mind the procedural requirements to be followed under Section 309 of Cr.P.C. henceforth and go ahead with the trial on day to day basis in NDPS Spl. Case Nos.128/2001 and 8/2002.

6. No further directions are required to be issued except to observe that the prosecution as well as the accused shall not apply for adjournment.

7. Petition disposed off accordingly.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**